

Remedial Writ

No. 29786

SUPREME COURT

—OF THE—

STATE OF LOUISIANA

February 13th, 1929.

Paul E. Korman
Clerk.

State of Louisiana

VERSUS

H. R. Redmond.

In re H. R. Redmond

Applying for writ of certiorari

Amos L. Ponder and Brock & Carter.
Attorneys for Relator.

Attorneys for Respondents.

6 0 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

*That refusal.
This Court is prohibited by the
Constitution from reviewing the
facts on the question of the guilt
or innocence of an accused.
Since the issue presented
by relator's application is
exclusively one of fact, as to his
guilt or innocence, this Court
is powerless to grant the relief
prayed for.*

*(M.B.)
A.C.H.*

*W. D.
J. A. D.
J. Paul
W. G. B.
D. K. F.*

TO THE HONORABLE CHIEF JUSTICE AND THE ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE STATE OF LOUISIANA.

The petition of H. R. Redmond, defendant in the case of State of Louisiana versus H. R. Redmond, No. 6694, of the docket of the Twenty Second Judicial District Court of Louisiana, in and for the Parish of Washington, with respect show;

That he was charged in the City Court of Bogalusa, Washington Parish, Louisiana, on the 1st. day of November, 1928, that he did on the 8th. day of October, 1928, within the Fourth Ward of Washington Parish, Louisiana, unlawfully, maliciously and willfully sell and retail medicine for internal consumption for human disease, without having same labeled as required by law, and without having a license so to sell, and without first having filed with the State Board of Health an affidavit certifying to and guaranteeing same as required by law.

That on November 23rd., 1928, in the City Court of Bogalusa, in the case State of Louisiana versus R-1651 H. R. Redmond, he was arraigned and entered a plea of not guilty, and the case assigned for trial Tuesday, November 27th., 1928 at four P.M. That on November 27th., 1928, the case was continued until Tuesday, December 12th., 1928; and that on the said date, December 12th., 1928, was submitted to the Court on testimony submitted in case of State of Louisiana versus No. R-1651 H. R. Redmond insofar as the facts in the said case relate to the sale of medicine or preparation mixed by the defendant. Whereupon the Court rendered a verdict of guilty and sentenced the defendant, H. R. Redmond, to pay a fine of twenty five (\$25.00) dollars and cost of prosecution, in default of payment of fine and cost to be imprisoned for a period of twenty days.

The defendant was granted an appeal to the Twenty Second Judicial District Court of Louisiana, in and for the Parish of Washington, that the case was docketed in the Twenty Second Judicial District

Court of Louisiana, Washington Parish, under No. 6694, the case was assigned for trial January 25th., 1929, that on said date it was submitted to the Court on testimony taken in case No. 6693, in addition to which testimony the District Attorney offered, produced and filed in evidence a copy of the Sanitary Code of Louisiana, to which offering Counsel for defendant objected for the reason that the Sanitary Code is Unconstitutional, the Legislature has no power to legislate on those things; it is not revelant in this case; and that the manufacture of this medicine was in Mississippi, and the Sanitary Code cannot apply in this case. The objection was overruled by the court and counsel for the defendant excepted to the ruling of the Court making the offering by District Attorney and the ruling of the Court the basis for bill of exception; the court then pronounced judgment affirming judgment of the lower court.

Counsel for defendant then, filed a motion for a new trial, annexing the testimony taken on the trial of the case No. 6693, and the agreement between the Counsel representing the State and the Counsel representing the defendant, to the motion, the motion for a new trial was overruled, and counsel for defendant excepted making the motion, testimony and ruling of the court the basis for bill of exception.

Counsel for defendant then, in open court, the District Attorney being present, gave notice of their intention to apply to the Honorable Supreme Court of the State of Louisiana for a writ of Certiorari.

11.

Your petitioner shows that he is aggrieved by the verdict and judgment rendered by said court, that the said judgment is contrary to the law and facts, as testified to on said trial, for the following reasons to wit;

1st. That the evidence proved conclusively that at no time did the defendant keep on hand or sell any herb tea or medicine in the State of Louisiana; that the herb tea or medicine was manufactured, kept and sold in the State of Mississippi; that orders were taken at Bogalusa, Washington Parish, Louisiana, delivery made at a later date

by bus from the State of Mississippi; that the lower court so held in its reasons for judgment, where it said " this medicine is not kept in store or on hand at his place of business in the City of Bogalusa, within this Parish and State, but is brought from Mississippi by bus operated by Mr. King or Mr. Little and delivered to those holding receipts, and numbers for the medicine in Louisiana".

2nd. The State failed to show that the tea was not labeled as required by law or that the defendant did not have the license to sell same, and that he had not filed with the State Board of Health an affidavit certifying to and guaranteeing to same as required by law.

111.

Your petitioner annexes hereto the following documents;

- 1st. Certified copy of affidavit on which he was tried.
- 2nd. Certified copy of the reasons of the court for affirming the judgment of the lower court.
- 3rd. Certified copy of the motion for a new trial.
- 4th. Certified copy of the testimony produced on the trial of the case.
- 5th. Certified copies of the minute entries showing the filing and and overruling of the motion for a new trial.
- 6th. Certified copy of the minute entries showing notice of intention to apply for a writ of Certiorari.
- 7th. Affidavit for your petitioner verifying this petition.

WHEREFORE, the premises and annexed document considered, petitioner prays that a writ of Certiorari do issue herein directing the Honorable Twenty Second Judicial District Court of Louisiana, in and for the Parish of Washington, to send up to your Honors the entire record in the aforesaid case to the end that same may be examined by this Honorable Court that your Honors may either remand the case to the Twenty Second Judicial District Court of Louisiana, in and for the Parish of Washington, with instructions or take the whole case up and pronounce final judgment therein.

Petitioner further prays for all general and equitable relief in the premises.

Amos Bonds
Brady & Carter

Attorneys for petitioner.

AFFIDAVIT FOR ARREST

STATE OF LOUISIANA

Vs. R-1648

H. R. REDMAND

IN THE CITY COURT

BOGALUSA, LOUISIANA.

J. E. Branch, Being duly sworn according to law deposes and says: On information received:

That one H. R. Redmond, late of the Fourth Ward of Washington, Parish, Louisiana, on or about the 6th. day of October, 1928, within the said Fourth Ward of Washington Parish, Louisiana, did unlawfully, maliciously and willfully Sell and retail medicine for internal human consumption, for human disease, without having same labeled as required by law, and, without having a license so to sell, and without first having filed with the State Board of Health an affidavit certifying to and guaranteeing same as required by law, contrary to the form of the Statutes of the State of Louisiana, made and provided, and against the peace and dignity of same.

Wherefore, affiant prays that the said H. R. Redmond be apprehended and dealt with according to law.

J. E. Branch

Subscribed and sworn to before me this 1st. day of November 1928.

D. A. Landrum
Mrs. D. A. Landrum
H. E. Landrum.

Reid Rester
Clerk of the City Court of
Bogalusa, La.

I hereby certify the above and foregoing to be a true and correct copy of the original now on file in my office.

J. E. Branch
Clerk of Court.

STATE OF LOUISIANA

VS

H.R. REDMOND.

REASONS FOR JUDGMENT

In the case #6693- it appears that the Defendant, H.R. Redmond, has a plant or establishment near Prentiss, or Collins, Mississippi, where he manufactures from certain herbs purchased by him from the 'Botanical Garden' people in Hammond Indiana a decoction, and that these herbs form the ingredient of what is known as his medicine or tea's, and this medicine is sold by him as a curative, or beneficial to various ailments that the human race is heir to.

It appears that each particular ailment or disease requires a different remedy; the same medicine is not given for all ailments. This medicine is not kept in store or on hand at his place of business in the City of Bogalusa within this parish and State, but is brought from Mississippi by Bus operated by Mr King or Mr Little, and delivered to those holding receipts and numbers for the medicine in Louisiana.

It is shown by evidence that there is no physical examination of the patients, but few questions are asked as to the nature of the disease sought to be treated and on the replies given thereto certain numbers ~~and directions for taking~~ are handed the patients, these numbers with the money is deposited with or handed over to Mr King or Mr Little and they go to Mississippi and there procure the medicine, charging one dollar for their services for procuring it, the medicine bears the same number as was handed to the patient, and on the bottle a label is attached or directions for taking the medicine.

The Analysis offered has not been filed with this Court, so the Court does not know what the Analysis shows; but the Court is of the opinion from common rumor which is not in the record, that there is nothing harmful in that.

There is a sign in front of the residence of the Defendant which gives public notice that Dr Redmond "as he styles himself" is not practicing medicine in this State. There is a sign on the concrete pavement in front of, or near, the residence bearing the

name "Dr Redmond" as testified to.

THE COURT is of the opinion that the giving of these numbers and receiving the money for them-not direct to Redmond-but there can be no doubt but that King and Little are the Agents for this man or working for him. Little they say is not, King is, 'his man Friday', delivering money to an agent is the same as paying it to him; the manager of a store don't have to receive the money for the stock, any Clerk may receive it, it goes into his till.

The laws of Louisiana prohibits any one from practicing medicine in Louisiana without receiving a Diploma or receiving a License from the State Board of Medical Examiners. This man has not done that, he makes no claim to have done it.

The Court does not believe that this man is wilfully attempting to, or trying to violate the law, and he may be so far as the Court knows--and some of these witnesses here state that they have received great benefit from the medicines they purchased from him--that is neither here nor there, it is purely a question of law that this Court must sustain.

The Court is of the opinion that the giving of these numbers to the patients is a prescription pure and simple, and it is a practice of medicine and a violation of the law. The Court being of this opinion, there is nothing to do but AFFIRM THE JUDGMENT of the lower Court, and it will be so affirmed and the case remanded.

A TRUE COPY OF ORIGINAL.
This Feby. 11, 1929.

Thurmond R. R. R.
CLERK OF COURT.

STATE OF LOUISIANA

No. 6694.

VS.

22nd. Judicial District Court

H. R. REDMOND.

State of Louisiana

Parish of Washington

Now into court comes H. R. Redmond, defendant in the above numbered and entitled cause, and moved this Honorable Court for a new trial, for the following reasons to wit:

- 1st. That a verdict is contrary to the law and the evidence.
- 2nd. That there is no proof to show that defendant failed to label the tea sold, that he did not have a license to sell the medicine, nor did they show that he had not filed the affidavit with the State Board of Health as required by law.

Wherefore, he prays that a verdict and judgment herein rendered be set aside and that he be granted a new trial.

He further prays for general relief in the premises.

Amos L. Ponder

Brook & Carter
Attorneys for Defendant.

I hereby certify that the above and foregoing is a true and correct copy on file in my office.

Thompson Price
Clerk of Court.

STATE OF LOUISIANA

VS

H.R. RETMOND

#6694
OF THE DOCKET OF THE 22ND
JUDICIAL DISTRICT COURT OF
WASHINGTON PARISH
LOUISIANA.

A P P E A R A N C E S

FOR THE PLAINTIFF

HON. C.S. FREDERICK, DISTRICT ATTY.
HON. B.D. TALLEY, CITY ATTORNEY
City of Bogalusa.

FOR THE DEFENDANT

HON. AMOS L. PONDER
MESSRS BROOK & CARTER.

Note of testimony taken in this case in
open Court this January 25th 1929. This matter
comes up on Appeal from the City Court, City of Bogalusa.
The Defendant being prosecuted under the provisions of the
Sanitary Code of Louisiana.

IT IS AGREED in case #6694 between Counsel for the State and
Counsel for the Defendant that this case be submitted on the same
facts to the Court, as is given in case # .

THE DISTRICT ATTORNEY offers produces and files in evidence a
copy of the Sanitary Code of Louisiana.

COUNSEL FOR THE DEFENDANT objects to this offering for the reason
that the Sanitary Code is Unconstitutional, the Legislature had no
power to legislate on those things; it is not revelant in this
case; and that the manufacture of this medicine was in Mississippi,
and the Sanitary Code cannot apply in this case.

THE COURT
over rules the objection.

COUNSEL FOR THE DEFENDANT excepts to the ruling of the Court
and reserves this ~~note~~ in lieu of a bill of exception.

A true copy of Original.
This Feby. 11, 1929.

James M. Curie
CLERK OF COURT.

STATE OF LOUISIANA

VS

H.R. REID AND

6693

DOCKET OF THE 22ND

JUDICIAL DISTRICT COURT

WASHINGTON PARISH

LOUISIANA.

APPEARANCES

FOR THE PLAINTIFF

HON. C. S. FREDERICK, DISTRICT ATTY.

HON. B. D. TALLEY, CITY ATTORNEY

City of Bogalusa.

FOR THE DEFENDANT

HON. AMOS L. PONDER

MESSRS BROCK & CARTER

This matter comes up on an Appeal from the City Court,
City of Bogalusa, on this the 25th day of January 1929.
The Defendant being prosecuted under Act 56 of 1914,
Amended and re-enacted by Act 54 1918; and also under
the provisions of the ~~Sanitary Code~~ Sanitary Code of La..

IRVING H. CARTER
COURT REPORTER.

INDEX

			Page.
MR J. A. LANDRUM	SWORN FOR THE STATE	Direct Exam.	1 to 4
		Cross	" 5 " 9
		Re-direct	" 9
		Re-cross	" 9 " 10
MR H. E. LANDRUM	"	Direct	" 10 " 11
		Cross	" 11 " 15
		Re-direct	" 15
		Re-cross	" 16
MRS J. A. LANDRUM	"	Direct	" 16 " 17
		Cross	" 17 " 19
MR J. L. KING	"	Direct	" 19 " 21
		Cross	" 21 " 25
		Re-direct	" 25 " 28
		Re-cross	" 28 " 29
MR R. R. KEATON	FOR DEFENDANT	Direct	" 30 " 32
		Cross	" 32
		Re-direct	" 33
		Re-cross	" 33
MR J. J. CARTER	"	"	" 34

IT IS AGREED between Counsell for the State and Counsel for the Defendant, that the Defendant H.R. Redmond holds no License nor certificate to practice medicine in accordance with the laws of the State of Louisiana.

J.A. LANIERUM AFTER BEING DULY SWORN TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR FREDERICK.

Q. Where do you reside ?

A. Picayune Mississippi.

Q. Where were you residing on October 1st 1928?

A. Bogalusa.

Q. Do you know H.R. Redmond the Defendant in this case ?

A. Yes sir.

Q. Where did he live on October 1st 1928 ?

A. Bogalusa.

Q. Do you know what part of town he lived in ?

A. No sir, I dont know Bogalusa very well.

Q. Did you see him on that day ?

A. Yes sir.

Q. Where was he ?

A. In his office.

Q. Where was that ? where is that office ?

A. In Bogalusa.

Q. Can't you say what street ?

A. I dont know.

Q. Is the office in his store building or dwelling where he lives?

A. Neither one its just outside his store.

Q. In other words he has an office separate from his store and his home ?

A. Yes, thats what they told me was his office.

Q. Did you find him in his office ?

A. I did.

Q. What did you go there for ?

A. I went there to get medicine.

Q. Do you know whether H.R. Redmond had any kind of signs on that office ?

A. I never saw any on the office.

Q. Did you see any anywhere else about the buildings ?

A. Yes sir.

Q. Where is that sign ?

A. The best I remember it is on the concrete pavement.

Q. What did the sign say?

A. "Dr Redmond."

Q. Did you go in the office ?

A. I did.

Q. Did you consult Dr Redmond ?

A. I did.

Q. What did you consult him about ?

A. I told him I wanted to get some medicine that I had bladder trouble.

Q. Did you tell him anything other than that about your physical condition?

A. He asked me in what way it affected me and I told him.

Q. About how long did you and Redmond talk together about your condition ?

A. Just a few minutes, I don't know just how long.

Q. What did he do after you told him about your complaints?

A. He told a fellow setting there doing some ~~figuring~~ writing, he told him something another some numbers and he wrote down the numbers he give him, and he told me to go in the store and wait .

Q. Did you go in the store ?

A. Yes sir.

Q. What happened then ?

A. He come in there in a few minutes and said he didn't have the medicine there, I would have to pay for it and he would deliver it a certain day after that.

Q. Who was this man talking at that time ? that told you he would deliver the medicine, Mr King?

A. It was a Mr Little.

Q. Who is Mr Little ?

A. I don't know who he is.

Q. Mr Little was in the office of Dr Redmond at that time ?

A. No sir..

Q. Do you know the name of the man that took the numbers down that Redmond called out to him?

A. They called him Mr King.

Q. Do you know if he is an associate of Redmonds or not ?

A. It seemed that he was.

Q. Was any one else in that office except Redmond, King and you?

A. Yes sir, maybe three or four more.

Q. Were these three or four more people attendants of his or had they gone there to consult him ?

A. Two of them I saw go and consult him.

Q. As far as you know, was any one else in his office that was in his employ?

A. I don't know if there was or not.

Q. Who handed you the slip with the numbers on it?

A. Mr King.

Q. Who told King to put the numbers on the slip of paper that was handed you ?

A. Redmond.

Q. Do you remember what the numbers were ?

A. No sir.

Q. Do you remember if there was any other word or words, on that slip ?

A. No sir, I don't remember.

Q. I hand you a certified copy of that slip to refresh your memory see if you recall if thats what was on it ?

A. They was numbers, I don't remember what they was.

Q. Did Redmond explain to you how to take the medicine ?

A. No sir.

Q. What did you do with that slip of paper after Redmond give it to you?

A. You mean after King give it to me?

Q. Yes.

A. I went in the store and waited in the store there.

Q. Did you ever get the medicine ?

A. Yes sir.

Q. When ?

A. Some three or four days after that.

Q. How much money did you give King to get the medicine for you ?

A. \$4.75.

Q. Did you take a receipt for that money ?

A. Yes sir, he give me a receipt, I give the money to Redmond, he come in the store him and Mr Little.

Q. You give the money to Redmond ?

A. Yes sir.

Q. Do you know what Redmond did with it ?

A. No sir, I dont.

Q. Where did he deliver the medicine to you ?

A. Delivered it to me at Mr Kings house in Bogalusa.

COUNSEL FOR THE STATE offers produces and files in evidence in connection with the testimony of this witness the entire original record in this case which shows the receipt for the medicine, and the slip given to him by Mr King and the notation thereon.

COUNSEL FOR DEFENDANT ~~also~~ objects to this offer for the reason this is only a copy and the originals are in existence and are the best evidence; we further object for the reason the witness does not identify it nor does not remember what numbers were on it.

THE COURT

Rules that the originals must be put in the record.

Q. Mr Landrum, where this consultation took place between you and Redmond, is that in this parish and state ?

A. Yes sir, its in Bogalusa, I am not familiar with the parish's in State of Louisiana.

Q. Is Bogalusa in Louisiana?

A. Yes sir.

Q. Do you know if Bogalusa is in Washington parish?

A. I am not familiar with the parish's.

IT IS AGREED that it is in this parish and state.

CROSS EXAMINED BY MR. CARMER.

Q. You went over there and told Redmond you had bladder trouble,
was that true or not ?

A. I did have.

Q. Who sent you over there?

A. (Witness hesitates)

Q. Who paid for the medicine ?

A. I did.

Q. Who give you the money to pay for it?

A. I paid for it out of my own pocket.

Q. What did you do with it when you ~~laughed~~ got it ?

A. Carried it down to the City Hall and turned it over to Johnnie
Branch.

Q. You heard your son testify in the City Court in Bogalusa did
you not ?

A. I did not.

Q. You dont know what he testified to ?

A. No sir.

Q. Did any body give you the money back that you paid out?

A. No sir.

Q. You were in Mississippi at the time of the trial in the City
Court were you ?

A. Yes sir.

Q. Who went after you then ?

A. Mr McKenzie.

Q. Did you send for him ?

A. No sir.

Q. He went after you to bring you over there ?

A. Yes sir.

Q. Who went after you to bring you to this trial today?

A. There was two men, I dont know who particularly went after us.

Q. Who were they ?

A. Johnnie Branch and Mr McKenzie.

Q. Do you know where McKenzies interest comes in in this trial?

A. I do not.

Q. Do you know if Henry McKenzie at one time worked for this old darky?

A. I do not.

Q. You dont know Henry McKenzie tried to get his formula for the concoctions he sells, and tried to get to sell for himself?

A. I dont know anything about it.

Q. You didn't take a dose of that tea you got did you?

A. No sir.

Q. You didn't expect to take it when you went there did you ?

A. I dont know if I did or not.

Q. I'm going to ask you- and I want you to be fair to me and to the Court- you were there for Mr Branch the Assistant Chief of Police -he sent you and your wife and your son up there did he?

A. He didn't send me up there.

Q. He asked you to go?

A. No sir.

Q. He had a consultation with your son did he not?

A. I dont know what he had with my son.

Q. You went there ~~in~~ purposely to try to trap this old darky, was'nt that your intention ?

A. Yes.

Q. You knew when you went there, that none of you, neither you, your wife nor your son expected to take a dose of that tea or concoction, nor expected to tell him the real facts as to why you were there ?

A. I dont vouch for them, I only know of myself.

Q. You knew you didn't mean to tell him the real facts ?

A. I dont understand---

Q. You didn't tell him, nor expect to tell him, that you were there trying to get evidence against him ?

A. No sir, I thought if he was not violating the law he didn't mind no way.

Q. It was some thirty or forty minutes after you went there-or went in to see him, before you paid for the medicine was it ?

A. It was some minutes I dont know how long.

Q. Did you go down to the Police office after you went in there ?

A. No sir.

Q. Who did ?

A. Might have been several.

Q. In your crowd who did ?

A. I dont know.

Q. Didn't your son go down to the Police office ?

A. I dont know.

Q. Did he leave ?

A. I dont remember if he left there or not, I wasnot with him all the time.

Q. You do admit that you and your son and your wife went there to procure evidence, that was your business there ?

A. I told you what I went for, what they went for I dont know.

Q. You taken them along did you ? (hesitates) You went there and represented to this old darky that you had bladder trouble, when you knew full well at that time that you didn't intend to take the tea or medicine when you got it ?

A. Thats what I told him.

Q. You knew at that time that the medicine would be delivered to Mr Branch the Assistant Chief of Police as soon as you could get hold of it ?

A. It was optional with me if I give it to him or not.

Q. You say you paid Redmond for it ?

A. I did.

Q. The receipt was signed by Little was it not ?

A. Yes.

Q. Do you know what he was doing ?

A. No sir, I dont know what his job was..

Q. Did Redmond examine you in any way ?

A. He didn't put his hands on me.

Q. All he knew was what you told him ?

A. I guess so.

Q. He told you he didn't have any tea or medicine, or whatever you

want to call it,he didn't have it there,that day?

A.Yes sir,he said he had to send to Mississippi to get it.

Q.Didn't say where he'd send for it in Mississippi?

A.Said he didn't have any had to send to Mississippi for it.

Q.Did he put his hands on you at all ?

A.No sir.

Q.Did he feel your pulse ?

A.No sir.

Q.Look at your tongue ?

A.No sir.

Q.Examine your urine ?

A.No sir.

Q.Didn't make any examination ?

A.No sir,asked a few questions. He asked me how the disease affected me.I dont know exactly what he did ask me.

Q.Did you tell him the truth about that?

A.Yes.

Q.You didn't pay him anything for the examination or prescription or anything else,you just paid for the medicine was all ?

A.I paid the bill he charged.

Q.Who told you what the bill was ?

A.Redmond told me.

Q.You say Redmond told you that ?

A.Thats what I said.

Q.Did you swear that before the lower Court,that Redmond told you what the bill was ?

A.I think I did.

Q.Didn't you say Mr King told you what the bill was ?

A.I dont think I did.

Q.Didn't Mr King tell you what the bill was and that you could go to Mr Little and pay him \$5.25 for the medicine and \$1.00 to him for bringing it to you,that he would deliver it to you?

A.He didn't tell me any such thing.

Q.Did Mrs King say anything to you ?

A. She was not there, I didn't see her.

RE-DIRECT BY MR. FREDERICK.

Q. How much did Redmond charge you for that visit?

A. \$4.75.

Q. Do you know if it is generally understood that this man practiced medicine in Bogalusa?

COUNSEL FOR DEFENDANT objects to this question for the reason it is improper proof, and hearsay.

WITHDRAWS THE QUESTION.

Q. How many patients were in the office at the time you were there?

COUNSEL FOR DEFENDANT objects to this evidence, he has first got to show that he had patients there.

THE COURT

Rules that the witness previously testified that there were at least two others in the room consulting Dr. Redmond while he was there, I think it is admissible if the witness knows of his own knowledge and I ask him to tell of his own knowledge.

Q. How many patients was in the office to see Redmond at the time you were in there?

A. I saw three or four people in the office, I heard two go to Redmond and ask him about medicine, whether they were patients or not I don't know I presume they was, there was some fifty or a hundred people outside of the office there, but what I talked with there, were there to get medicine from him.

Q. What kind of furnishings were in that office?

A. Very little.

Q. Did he have a desk and chairs in there?

A. He had a little desk and some chairs, it looked like it was just built.

RE-CROSS EXAMINED BY MR. CARTER.

Q. You say there was an office, can you tell where it was?

A. It was there by his store.

Q. Don't you know that the only building by that store is a meat market?

A. I don't know anything such thing, no meat market in that.

Q. Don't you know he had no office and has never had an office there?

A. I don't think I'd tell the Court there was if there was not.

Q. There is fifty men here in this Court room who says there never has been an office there, why did you see it if they could not ?

A. King called it an office, it was a building that adjoined the store, I don't say it joined it either, right by it.

Q. How far from the store was it ?

A. It was built right close up to the store, just a little distance from the store.

MON. E. LANDRUM AFTER BEING DULY SWORN TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. FREDERICK.

Q. Where do you live ?

A. Picayune Mississippi.

Q. How far is that from Bogalusa ?

A. Twenty six miles, I believe.

Q. Where did you live on October 1st, 1928 ?

A. Bogalusa.

Q. Do you know H. R. Redmond ?

A. Yes sir.

Q. Did you see him on that date ?

A. Yes sir.

Q. Where was he ?

A. I think went to his place of business over there, he was in a little new building right by the side of the store, I asked where I could see H. R. Redmond and I was told I could see him in his office, he was sitting in there.

Q. Did you go to the office ?

A. Yes sir, I went in there.

Q. Was he there ?

A. Yes sir.

Q. Did you have a conversation with him ?

A. Yes sir, I went in there and he asked what my trouble was and I told him.

Q. What did you tell him ?

A. I told him that I had rheumatism, that my joints were stiff.

Q. What did he do?

A. He told another man some numbers, the man wrote them down and give them to me.

Q. Do you know that man's name now?

A. They said it was Mr King I don't know.

Q. Do you know what those numbers were?

A. Not now, no sir.

Q. Did you pay Mr Redmond anything?

A. He told me to go in the store and wait, I waited about thirty minutes, and Redmond and this other man come in and taken the numbers down on a book, I asked how much it would be and he said \$4.75.

Q. Who said \$4.75?

A. The man that was with Redmond.

Q. Was that the same man that told you \$4.75 as the man that took the numbers down in the office?

A. No sir.

Q. Who did you pay the money to?

A. Redmond.

Q. Did you get the medicine?

A. No sir, they told me to come back Saturday on Superior Avenue to get the medicine.

Q. Did you get it?

A. I did not myself.

Q. Did you get the medicine?

A. Yes sir.

Q. When you went in the office who spoke first you or Redmond?

A. I did.

CROSS EXAMINED BY MR CARTER.

Q. Who sent you out there?

A. Mr Johnnie Branch sent me.

Q. How much money did he give you?

A. He didn't give me anything when he sent me out there.

Q. How much has he given you since?

A. \$4.75 to pay for the medicine.

Q. Who paid for the medicine your father got ?

A. I don't know.

Q. Who paid for the medicine your mother got ?

A. Mr Branch.

Q. Was what you told Redmond true or untrue ?

A. It was true.

Q. Did you expect to use that medicine ?

A. No sir.

Q. Are you related to Mr Branch ?

A. No sir.

Q. You are a very good friend of his ?

A. I never knew him until that time.

Q. How come him to come to you to get you to do this ?

A. He didn't come to me.

Q. Who come to you ?

A. Nobody.

Q. Did you go to Mr Branch ?

A. I went up there.

Q. At whose request ?

A. Of my own free will.

Q. Do you know Henry McKenzie ?

A. Yes sir.

Q. How long have you known him ?

A. About three years.

Q. You are a close friend of his ?

A. I haven't seen him in a good while.

Q. Henry McKenzie went after you to bring you to the City Court in Bogalusa did he ?

A. Yes sir.

Q. He went after you this morning to bring you here ?

A. He was in the car, yes.

Q. Do you know if he use to work for Dr Redmond ?

A. No sir.

Q. You don't know anything about that ?

A. No sir.

Q. You went out there for the sole purpose of getting evidence ?

A. That's what I went for.

Q. Did you swear that you paid this money to Redmond in the lower Court at Bogalusa ?

A. I sure did.

Q. Are you positive of that ?

A. Yes sir.

Q. I was there and heard all three of you testify, Mr R. E. Keaton was there was he ?

A. I don't know.

Q. There is several others here that was there that day and heard you testify, do you still say that you testified that you give the money to Redmond in the lower Court ?

A. Yes sir.

Q. Now, Landrum, I want to put you on your guard, I expect to prove by these men who were there that day and heard you swear, that you did not swear that you paid it to Redmond but that you said you paid it to somebody else, that there was only one of the three of you ~~men~~ that testified, that said they paid Redmond; I want you to understand-and I now put you on your guard and I ask you again if you testified before the lower Court that you paid the money to Redmond ?

A. That's what I said.

Q. Did you have the rheumatism ?

A. I have had it.

Q. Did you have it at that time ?

A. I feel it a little once and awhile.

Q. You testified in the lower Court that you went in there and told Dr Redmond that your feet and legs were swelled and you could hardly walk in the mornings ?

A. I don't remember it.

Q. You testified down there in the City Court that what you told him was not the truth didn't you?

A. I don't remember.

Q. You are an interested witness in this prosecution and you are trying to secure a conviction?

A. Dont make any difference to me.

Q. Why did you come from Mississippi twice to testify against him?

A. I come to stick to my obligation, I told Mr Branch I would come and I come.

Q. Who is paying you for coming here?

A. I am re-imbursed for the time I lose.

Q. Who re-imbursed you?

A. I dont know exactly who's paying it.

Q. They are paying you and your father and your mother are they not?

A. I dont know about them at all.

Q. Where is that medicine, or tea or whatever you got ?

A. I suppose the Police in Bogalusa has got it.

Q. How long did you keep it?

A. Just long enough to go turn it over to them. I didn't get it myself, thats how long the party that did get it, kept it.

Q. Who got it ?

A. I think my father did, I am not sure.

Q. You were not there ?

A. No sir.

Q. Do you know where that tea or medicine come from ?

A. No sir.

Q. You dont know where your father got it ?

A. He said he got it on Superior Avenue Bogalusa, thats where he told me he got it.

Q. What date was that?

A. It was Saturday.

Q. It was on Monday you went to Redmonds place ?

A. I dont remember the date.

Q. Do you know where Mr King lives ?

A. No sir, I dont know where Mr King lives, I know the address he give me.

Q. How far is that from where Redmond lives ?

A. I dont know.

Q. About ? is it five miles ? The address he give you was on one side of town and Redmond lived on the other side did he ?

A. Yes, I dont know how far it was.

Q. You know whether it was on the same side of town don't you? you know where the two places in town are ?

A. I know where the two places are.

Q. Dont you know that Redmond is over on the side next to Pearl river ?

A. I dont know how far it is.

Q. You dont know if its one foot or a thousand miles from there?

A. I never measured it.

Q. Do you know the difference between a foot and a thousand miles?

A. I do.

Q. Looks like you would know the difference or the distance there?

A. I never measured it.

Q. Couldn't you guess at it ?

A. I guess I could if I wanted to.

Q. You dont ~~in~~ want to?

A. I'm not up here to guess.

RE-DIRECT EXAMINATION BY MR FREDERICK.

Q. Did you notice any signs about that office ?

A. I noticed a sign on the pavement there.

Q. What did it say ?

A. Dr Redmond.

Q. Was that directly in front of his office ?

A. I dont remember if it was directly in front or not, I never paid that much attention.

Q. At the time you visited his office was any one else there to see Redmond ?

A. Standing out on the street was about fifty I guess.

Q. When you say you paid this money to Redmond himself was there any one there present ?

A. I dont remember if there was or not.

RE-CROSS BY MR CARTER.

Q. Didn't you know that the sign "Dr Redmond" in the concrete walk

is right in front of his dwelling house ?

A. I don't know, I know its on the pavement by his buildings.

Q. Its fifty or seventy five feet across to the dwelling house is it?

A. I don't know.

Q. There is a big sign up there that says "Dr Redmont does not practice here" is there not ?

A. I didn't see it.

Q. It is about two feet one way and eighteen inches the other and is up about this high ?

A. I didn't see it. I drove my car up by the sidewalk and I saw it on the pavement.

Q. That sign was up about this high on the post and you didn't see it?

A. I didn't see it.

RE-DIRECT BY MR FREDERICK.

Q. You walked over that on the sidewalk did you?

A. Yes sir.

WES J. A. LANIER AFTER BEING DULY SWORN TESTIFIED AS FOLLOWS :

DIRECT EXAMINATION BY MR FREDERICK.

Q. Where did you reside October 1st, 1928 ?

A. In Bogalusa, Louisiana.

Q. Do you know H. R. Redmond ?

A. No sir.

Q. Do you know this Defendant sitting next to Mr Brock there ?

A. Yes sir, I saw him one time.

Q. Where was he when you saw him ?

A. In his office.

Q. Where was that ?

A. By his store in Bogalusa.

Q. Did you have a conversation with him ?

A. Yes sir, I told him I wanted to get some medicine and told him my ailments.

Q. Did he ask what your ailments were ?

A. Yes sir.

Q. What did he do after you told him your ailments ?

A. There was another man standing by a table, he gave that man a number he put it on a piece of paper and handed it to me.

Q. Do you know that mans name now?

A. Supposed to be King, I didn't know him.

Q. Was any one else working in the office with Redmond ?

A. I didn't see any other ones.

Q. Was any one else in there ?

A. There was several there supposed to be waiting to see him.

Q. What did you do after the numbers were given to King by Redmond?

A. He give me this number and I give it to my son.

Q. Who give you the slip ?

A. Mr King.

Q. Was anything said about pay ?

A. No sir, not to me, my son paid for the medicine I got.

Q. Where did you get the medicine ? where were you when you got it?

A. I didn't get the medicine, my son got it.

Q. Did you notice any sign about that office ?

A. I did not.

Q. You didn't notice any on the side walk or up on the wall?

A. No sir.

CROSS EXAMINED BY MR CARTER.

Q. Was there anything the matter with you when you went out there?

A. Not that I know of.

Q. You went at the request of whom ?

A. I went with my son and husband to get this medicine, I didn't know whose request.

Q. The statment you made to this old dorky was not true was it?

A. If I had high blood pressure as I told him I sure wouldn't went to him.

Q. You told him an untruth ?

A. I went there for the purpose of getting this information with my son and my husband.

Q. Who told you to tell this old man an untruth?

A. No one told me.

Q. You never seen the medicine did you ?

A. Yes I seen it.

Q. You seen it in Court in Bogalusa ?

A. I seen the medicine.

Q. Where did you see it ?

A. I seen the medicine he give.

Q. This medicine which you were supposed to take, where did you see it ?

A. My husband went and got it, he went and turned it over to Mr Branch.

Q. Did you see him get it ?

A. No sir.

Q. Tell me where you saw it ?

A. I'm not supposed to tell it I dont think--

THE COURT instructs the witness to answer the question.

A. I saw it in Mr Branch's car.

Q. That's the only time you saw it, after it was in Mr Branch's possession, you didn't see it before it was in Court?

A. No, I didn't see it.

Q. You saw the office there too?

A. Yes, there was nothing in there but a table and some chairs.

Q. McKenzie went and brought you over to Court both times too?

A. No sir, Mr Branch brought us this morning.

Q. McKenzie was in the car with Branch?

A. There was a man in the car with him.

Q. That was the same man that brought you over to the City Court in Bogalusa to that trial ?

A. I dont know.

Q. You say you dont know if that was the same man that went after you before?

A. No sir, They said McKenzie went after us before and Mr Branch come this morning.

Q. The same man was in that car as went for you before ?

A. Yes sir.

Q. Now, why didn't you want to tell that ?

A. I didn't care for telling it.

Q. I want to know why you, your husband and your son went to the trouble to go to this old darky's place and mis-represent things to him for the purpose of trapping him?

A. If he had been practicing medicine lawfully he wouldn't have been afraid of being trapped.

Q. He wasn't afraid was he ? he was open with it, he frank and state why you did it ?

A. I just went to get the medicine to turn it over to Mr Branch, I didn't think of trapping him.

Q. Why did you tell him an untruth?

A. I told him I had high blood pressure to give me some medicine.

Q. You were willing to go out there and tell an untruth to do that?

A. I don't know if I told an untruth or not, I might have had it if I went to another doctor and been examined.

Q. As far as you know you didn't have high blood pressure ?

A. I didn't know if I did or not, I do know if I did, I wouldn't go to him to prescribe for me.

MR. J. L. KING AFTER BEING DULY SWORN TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. FREDERICK.

Q. Where do you live ?

A. Bogalusa.

Q. What is your business or occupation ?

A. I take these orders and get the people their medicine over there.

Q. What orders do you take ?

A. People come there to get orders to get their medicine from Mississippi.

Q. You take orders from who ?

A. I take the numbers that are given and go to Mississippi after it.

Q. Who gives you those numbers ?

A. I don't know--

BY THE COURT

Tell the truth sir.

A. I got them from Dr Redmond.

Q. Is that the same H. R. Redmond that is Defendant in this case?

A. Yes sir.

Q. Are those numbers given to you in the presence of the patients at the time?

A. Some times they are.

Q. Most of the time they are?

A. Yes sir.

Q. Who usually collects the money for the medicine?

A. I do some times myself and some times Mr Little does.

Q. Do you keep the money yourself?

A. I keep it until I get to Mississippi to get the medicine.

Q. Who gives it to you there?

A. He has people there to put the medicine up, I give them the numbers and they put it up.

Q. Do you work for Redmond?

A. Yes sir, partly, he pays me Fifty dollars per month.

Q. At the time you take these numbers on slips of paper, does he pay you for that?

A. No sir, I don't think so. The people pay me one dollar to go to Mississippi after the medicine.

Q. If I understand you correctly, the people come in there to see Redmond and he calls out some numbers designating the medicine by these numbers, and you put that on a piece of paper like a prescription blank, and you hand this to the patient and then these people give you the money, and you go to Redmond's office in Mississippi, buy the medicine and bring it back to Bogalusa and deliver it to them?

A. The people mostly come into to see him and ask him about their troubles, and he says "I can't prescribe for you here I have no license in this state, I have some tea in Mississippi that will do you good if you will come there and get it, and he gives me the number for it, I write it down and give it to them, and they pay me or Mr Little and one or the other goes to Mississippi and gets it for them.

Q. All medicine no matter what ailments are is \$1.25 a bottle?

A. No sir, he has a salve that is not, and some times he gives eye medicine that is seventy five cents.

Q. He treats the eyes ?

A. Yes sir, brings the sight back.

Q. Who tells the people how to take the medicine ?

A. The label is on the bottle.

Q. Who writes the label?

A. He has girls at the Camp in Mississippi--

Q. Who do you mean "he"?

A. H. R. Redmond.

Q. In other words Redmond prescribes ?

COUNSEL FOR DEFENDANT objects to the question, it is for the Court to say if it is a prescription.

Q. In other words the directions for taking these particular bottles of medicine have already been prescribed and written on labels by Redmond himself?

A. His labels are written up there.

Q. Written under his direction ?

A. I think so.

Q. Don't they sell some medicine with just the numbers without any directions as to how it should be taken ?

A. I never seen it if they do.

Q. State if he ever delivered the medicine at the time of the visit in Bogalusa, without sending to Mississippi for it ?

A. Not that I know of, not without going to Mississippi for it.

Q. He charges no consultation fee?

A. No sir, not a cent.

Q. Its all in the sale of the medicine ?

A. That's all and he don't get that until he gets to Mississippi.

CROSS EXAMINED BY MR. CAPTER.

Q. You state that Redmond paid you about Fifty dollars a month?

A. Yes sir, I go with him back and forth.

Q. That has nothing to do with delivering the medicine?

A. Not a thing.

Q. You go with him up there and back ?

A. Yes sir.

Q. He carries money- or brings money back ?

A. Yes sir he does, further more he has gotten several black-hand letters, and he thought a white man would be more protection to him, he called the Sheriff here and talked to him about it--

Q. How long have you been around Redmond's there in Bogalusa, when did you go to work there ?

A. About eight or nine months.

Q. Were you there on October 1st, 1923?

A. Yes sir.

Q. Was there any office there ?

A. There never has been an office there that he calls his own.

Q. Has there ever been an office there of any fashion since you have been there, that Redmond talked to people in ?

A. No sir, He talked to people any where on the streets or where ever he would run up with them when he'd go across town, and at his home there or store.

Q. What kind of business has Redmond got there ?

A. He has a meat market, and what you'd call fruit, dry goods and grocery store.

Q. Does he do any other business ?

A. Yes sir.

Q. Does he loan money?

A. Yes sir.

Q. He handles all his business from the store?

A. Yes sir, in and around the store.

Q. All the business he does of any nature is handled around the store ?

A. Yes sir.

Q. There was some testimony as to a sign there, what is that sign?

A. When Redmond got his home built in Bogalusa and before he got his furniture and put it in there, he had the carpenter to make a sign and put it on the gate post and it says "Be it known, Dr

Redmond does not practice here", that sign has been there ever since before he moved there.

Q. What sign is on the pavement ?

A. I can't remember positive if it says "Dr. Redmond" or "H. R. Redmond", that is down in the sidewalk in front of the gate.

Q. You have been with him pretty close during this time have you?

A. Yes sir.

Q. Has he ever to your knowledge diagnosed a case there?

A. Never since I've been with him. The first question that ever arises between him and the party, he would tell them he could not diagnose and prescribe for them there, if they would go to his Camp in Mississippi he would give them ~~medicine~~ something that would help them.

Q. He told them from time memorial that he could not diagnose or prescribe ?

A. Yes sir, he told them that all the time.

Q. Has he ever told a man or woman, to your knowledge, what was the matter with them ?

A. No sir, he has in his Camp in Mississippi--

Q. I am talking about in Bogalusa ?

A. No sir, not here.

Q. How many times did you hear him tell people he could not prescribe or tell them what was the matter with them in Louisiana?

A. I couldn't tell you how many.

Q. He would tell them if they would come to his Camp in Mississippi he would talk to them?

A. Yes sir. He told them to come to Mississippi and he would talk to them.

Q. Has he ever, to your knowledge, has there ever been any advertising or advertisements of any kind, in any shape or form or fashion, in any paper at Bogalusa ?

A. No sir.

Q. Have you ever heard him telling any one that he was a Doctor and could practice medicine in Bogalusa ?

A. He has told them that he didn't pretend to be a Doctor he was only demonstrating ----- herbs ,and I have told them that.

Q. In this business there does he hold himself out as a Doctor?

A. No sir.

Q. Does he tell them he knows anything about medicine ?

A. He says he don't know anything about ~~xxxxxxxx~~ the medical profession, that he uses a herb tea.

Q. You heard what J. A. Landrum, H. N. Landrum and Mrs Landrum said about paying Dr Redmond, is that true or not ?

A. It is certainly not true. Dr Redmond never received a cent from no patient that ever goes there.

Q. Do you know if Redmond has a profession, what it is ?

A. In the demonstration of this herb tea is all I know.

Q. Is he a Preacher ?

A. He is.

Q. He is a Baptist Preacher?

A. He is. I think he ~~knows~~ has his credentials to preach over there and no dispute about that.

Q. He built him a church there ?

A. Yes sir, he has a nice church over there.

Q. You are positive he never held himself out as a Doctor or diagnosed a case or told any one what was the matter with them in the City of Bogalusa since you have been with him?

A. No sir, he has not, since I have been under him. I was in bad health and I collapsed in McComb City- and this last year I collapsed again ,and my people at Mt. Olive Mississippi got after me to go and see this man here, for a long time I wouldn't do it, but one day I ran into him in Bogalusa, and thought I'd talk to him but he wouldn't do it, he said if I would go to his Camp in Mississippi he would, and one day I went to his Camp in Mississippi, and he did tell me what to do and helped me, and ever since then I have been in better health than I had ever been before.

Q. You have been with him eight or ten months in Bogalusa ?

A. Yes sir.

Q. Do you know about how much property he has in Bogalusa ?

A. Some where about Seventy Five Thousand dollars worth.

CROSS EXAMINED BY MR PONDER. (After dinner)

Q. Has H.R. Redmond ever received any money at any time in this state ?

A. Not that I know of.

Q. You are with him constantly are you ?

A. Absolutely.

Q. Are you sure he has no office in Bogalusa ?

A. I sure know it, he has none.

Q. When people come to see him is it a fact that they come in the store ?

A. Some times bring them in the store, and house, on the pavement walk, etc.

Q. Do you remember the day I came over and got in behind the crowd and saw just how it was done and he didn't know I was there?

A. Yes sir.

Q. Was he not behind the counter and a row of people would come by and this one would tell him what was the matter with him and then the next, and would he not in every instance tell them "I can't prescribe for you, I am not a Doctor--thats the first word he speaks--"I am not a Doctor, I cannot prescribe for you, I only manufacture herb teas in Mississippi"?

A. Yes sir, he nearly always says at Purvis or Collins Mississippi.

Q. And he would tell them "I have some tea that might do you good if you'll go up there and get it" ?

A. Yes sir.

Q. Thats exactly it, and then he would tell them the number and you took it down?

A. Thats exactly the way its done.

RE-DIRECT BY MR FREDERICK.

Q. Do you remember the three Landrums that testified ?

A. I dont remember them when they come there, I dont know that I ever saw them until they come to the City Court in Bogalusa.

Q. Do you collect the money in every instance ?

A. No sir, not every instance, ~~for~~.

Q. What do you do with it when you do collect it ?

A. I turn it over to the waitresses in Mississippi at the Camp. I get the medicine from them and give them the money, I suppose they turn it over to him.

Q. I notice the prescription for Landrum #42 and #33, will you look at that and tell me if these two bottles were sold and delivered to him bearing those two numbers ?

A. Of my own knowledge I couldn't say. It looks like the tea he makes up there.

Q. State if there are numbers on those bottles, if so what are they?

A. #42 and #33.

Q. Read the directions on each bottle ?

A. #33 says "shake well take two tablespoonful three times a day after meals", the other is #42 it says "shake well take three tablespoonful three times a day before meals".

Q. You can identify that as being some of his medicine ?

A. I can say it is some herb tea alright.

Q. How many people does Redmond treat per day in Bogalusa ? or how many does he prescribe for per day?

A. I couldn't say positive.

Q. I know you can't exactly, about how many ?

A. He is only there on Monday around his house and place of business, his store and home, on Sundays he is at Church, he is around until Tuesday dinner then he goes back to his Camp, he leaves Wednesday morning some times, and Tuesday dinner.

Q. I asked you about how patients he prescribes for per day?

A. Some days there may be more and some less, some days may be twelve or more and some days may not be over two or three. Some days twelve or fifteen, something like that.

Q. How many bottles per week does he prescribe for in Bogalusa delivered out of his Mississippi stores ?

COUNSEL FOR DEFENDANT objects to the word "prescribe", he does not prescribe.

THE COURT

Lets him answer.

A. What is it now?

Q. We want to know about how many people visit Redmond in a week for the purpose of getting this medicine?

A. At present very few.

Q. That's due to the fact that he is being prosecuted?

A. No, it is through money proposition.

Q. Say before this suit was filed?

A. There was a good many people.

Q. Would you say as many as fifty?

A. The length of time he would be there I suppose so.

Q. How many was in that line that Mr Ponder called your attention to the day he was there?

A. Some ten or twelve.

Q. Its a fact that Redmond gives out these numbers for medicine to any one that goes there for that purpose is it?

A. If they go for that purpose I think so.

Q. Dont you know it?

A. Yes sir.

Q. Isn't it also a fact that this medicine is very frequently delivered to the people to whom its intended for at your home in Bogelusa?

A. Yes sir, white people get medicine at my home.

Q. I hand you a slip of paper which reads as follows, "H. E. Landrum 715 Harper St., J. L. King 411 Superior Ave." are you not the J. L. King mentioned on this slip?

A. Yes sir.

Q. You reside at 411 Superior Avenue?

A. Yes sir.

Q. On the reverse side is #42 and #38 with the word "triple", will you identify this piece of paper?

A. Who me?

Q. Yes.

A. I identify this side, the other I wont.

Q. What is it ?

A. That's numbers.

Q. You mean these numbers were called out by Redmond to you for H. E. Landrum ?

A. I couldn't say if it was Landrum or not, I couldn't say that.

Q. For some patient in his place of business ?

A. Yes sir.

Q. What does that mean the word referred to as "triple" ?

A. Triple strength.

COUNSEL FOR THE STATE offers produces and files in evidence the slip of paper identified by the witness; also offers in evidence receipt testified to by the witness Landrum this morning.

COUNSEL FOR DEFENDANT objects to the offering unless the lower part is cut off, it contains writing that was not on it originally, being put on it in the Court in Bogalusa. (Counsel marks it out).

Q. You will admit will you not that Redmond has no license to practice in the State of Louisiana?

COUNSEL FOR DEFENDANT objects to the question, that is admitted by Counsel; and on the contrary we dis-avow being a Doctor or trying to practice medicine.

Q. Is it not a fact that the reputation that Redmond has for effecting cures is so well known that people all over the United States come to him ?

COUNSEL FOR THE DEFENDANT objects to this question and evidence.

Q. About how many bottles of medicine is sold on orders or slips that are given to people who come and visit Redmond in Bogalusa?

A. Some days more people than others, and some days no one, I could not say just how much.

Q. Did he ever sell as many as a hundred in one day ?

A. I couldn't positively say, I expect he has.

CROSS EXAMINED BY MR. PONDER.

Q. He asked you at it, and read into the record labels on those bottles, where were those labels put on those bottles ?

A. In Mississippi at the Camp.

Q. Who put them on there . ?

A. His employers over there.

Q. Is any of those labels ever put on in Louisiana?

A. No sir-ree.

Q. Is any of it ever sold in Louisiana?

A. No sir.

Q. When you go to get those orders are you acting for Redmond or for whom are you acting?

A. For the people.

Q. When you bring it back you carry it to your house?

A. Yes sir.

Q. Its never carried to Redmonds place at all?

A. No sir.

Q. You live on one side of town and him on the other?

A. I live about ten blocks.

Q. Does he ever prescribe for anybody in Louisiana?

A. No sir. The first thing he tells any one that comes in his place is he cant diagnose or prescribe for them in this State..

Q. Has there ever been any advertisement in any place of him as a doctor?

A. I have never seen it.

Q. Mr Frederick asked you if it was his reputation that brought people there, I ask you if it was not the reputation for his "Tea"?

A. Absolutely.

Q. Has it become so great that a Company has organized and are putting his picture on it as an advertisement in Mississippi?

A. Yes sir, at Collins Mississippi. If you want to know the truth about it they are fighting him out there, they betrayed him and got his formula and they have organized a company and making the tea and putting his picture on it and use his name.

Q. Does he get his herbs from Parker Blake in New Orleans?

A. Yes sir, and Joseph Mayer (or Meyer).

THE STATE REST IN CHIEF

MR R. E. KEATON AFTER BEING DULY SWORN TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR CARTER.

Q. Where do you live ?

A. Bogalusa.

Q. How long have you lived there ?

A. Ever since it was first laid out and before..

Q. Do you know H. R. Redmond the Defendant here ?

A. I do.

Q. How long have you known him ?

A. I suppose about four or five months, at the outside five.

Q. Do you know where his place of business is in Bogalusa ?

A. Yes, I know where his residence and store is.

Q. What kind of business does he run over there ?

A. General Mercantile, meat market and fruit and groceries.

Q. Have you been around there off and on during the four or five months you have known him ?

A. Yes sir, several times.

Q. Is there an office there ?

A. I have never seen it.

Q. Have you ever heard of an office being around there ?

A. I never did.

Q. You have looked at all the buildings around there ?

A. They are all right in a row there where we go to see him.

Q. Have you heard people who go there talk about buying medicine and so forth ?

A. Buying medicine, ~~that's all~~.

Q. Did you ever talk to him yourself ?

A. Yes, I talked to him.

Q. Tell the Court just what he told you?

A. I went there and asked him if he would treat me, he said he did not prescribe or practice and would not treat me there-I said I would like to treatment from what I had heard about it, well, he says if you are willing to come up to Collins Mississippi to the Camp I think I can give you a treatment that will do you good, and Mr King was right there he walked in at the time,

or Mr Little one or both of them, and they said we will bring the medicine to you for a dollar, and the other stuff cost you \$1.25, Mr King said he would be glad to do that, he was running a Bus line or something, running a car any way, and they would bring each party his treatment for a dollar. I went there the second time, the first time I didn't do anything, I figured on going up to Collins, but ~~fixing~~ the cost of driving up there and the loss of time it was better to let him bring it, the numbers were given to Mr King and I was told when I could get the medicine at the week end.

Q. He told you he wouldn't examine you or prescribe for you?

A. He said he wouldn't do it, that they wanted to get him any how in Louisiana.

Q. Have you been around there and hear him tell others that too?

A. Many, many times.

Q. Do you know if he will or not do it?

A. I heard him refuse them.

Q. Were you in Court when young Landrum testified down there in the City Court?

A. Yes sir, I was in the City Court.

Q. Did you hear this young man Landrum testify?

A. Yes sir.

Q. Did he testify in that Court that he paid the money to Redmond?

A. No sir, my recollection is he said he paid it to Mr King or Mr Little.

Q. There was only one down there that testified they paid Redmond the money, is that correct?

A. Yes sir, only one, the old man Landrum.

Q. At that time young Landrum testified that he paid the money to Little or King one?

A. Yes sir.

Q. Redmond does a considerable business outside of selling this stuff called tea, down there does he not?

A. Yes sir, quite a lot. Has houses to rent, runs a grocery store, mercantile store, buys pork from people around so on.

Q. He has got a residence there ?

A. Yes sir.

GROSS EXAMINED BY MR FREDERICK.

Q. When you went to consult Redmond where did you see him ?

A. I met him the first time in the back yard coming from the residence, about half way from the back of the store to the back of the house.

Q. Where did you talk to him ?

A. Right there.

Q. Did he call some numbers off to King ?

A. Not then, he told him something, and King handed me some numbers with instructions to carry them to Mrs King.

Q. You say Mr King told you he would get the medicine from Mississippi for a dollar ?

A. He said he would be glad to put me where I could get the medicine and handed me over to Little.

Q. In other words it was part of the practice or business carried on by Redmond, to have King take the numbers down and have Little go in Mississippi and bring the medicine back at a charge of One Dollar ?

A. Seems to be.

Q. Thats what they did in your case ?

A. Yes sir.

Q. How many people go there for treatment in a week ?

A. To be specific I cant.

Q. Just approximately ?

A. At the times I have been there I would say the average has been from fifteen to twenty people.

Q. That was during the time you were there ?

A. Yes.

Q. Thats per day ?

A. Yes.

RE-DIRECT EXAMINATION BY MR CARTER.

Q. He is only there about one day in the week ?

A. Well, Yes.

Q. The rest of the time he spent in Mississippi.

A. I saw him a time or two on Tuesday and about twice on Monday.

CROSS EXAMINED BY MR. FREDERICK.

Q. What did he treat you for ?

A. Gall stones.

RE-DIRECT BY MR. CARTER.

Q. Did he treat you or did you buy the medicine?

A. I got the medicine.

Q. Did he ever examine you or put his hands on you ?

A. No sir.

RE-CROSS BY MR. FREDERICK.

Q. You got the medicine with the numbers he give you?

A. Yes.

Q. He treated you for Gall stones?

A. He didn't tell me what to do nor what it was, I told him what I wanted the treatment for.

Q. He did tell you what it would do, he told you it would do you good ?

A. Yes.

RE-DIRECT BY MR. CARTER.

Q. Do you know of your own knowledge if Redmond done all he could to obey the laws ?

COUNSEL FOR THE STATE objects to this testimony.

THE COURT

Sustains it.

MR. J. J. CARTER WAS AT THIS TIME DULY SWORN AS A WITNESS.

AFTER some discussion Counsel for both the State and the Defendant had the following agreement, viz:

IT IS AGREED

That the following named witnesses would testify or give the same testimony as R. E. Keaton has given, viz:

J. J. Carter, J. W. Claunch, Mrs J. W. Claunch, Mr and Mrs C. B. Schafer, Plummer Taylor, and Thurman Simmons, except that they received different medicines for different diseases or ailments made known to the Defendant Redmond.

IT IS AGREED by Counsel for the State and for the Defendant that the witness Little, a witness for the Defendant, would testify that he operates a Bus-line for Mr King an Employee of Redmond, and that ~~the witness Landrum~~ the witness Landrum paid Mr Little \$4.25 and he give Landrum a receipt for \$4.25 for certain medicine, which receipt is in the record and that Landrum did not pay the money to Redmond as he testified he did, and that he (Little) went to Mississippi and procured the medicine and returned on Saturday and delivered it to Landrum.

COUNSEL FOR DEFENDANT offers produces and files in evidence that portion of the Decision of the Supreme Court of Mississippi in the case of H.B. Redmond, showing that the manufacture of his medicines in the State of Mississippi is lawful in that state.

COUNSEL FOR THE STATE objects to the offering as being irrelevant and immaterial.

THE COURT

Lets it be filed.

COUNSEL FOR DEFENDANT also offers produces and files in evidence the six Analysis 's made by the State Chemist of the State of Mississippi numbering from Analysis #83468 to 83473 inclusive, showing the contents of these tests and the test show no alkalooids found, and that it was not deleterious to the health.

State of Louisiana

Friday, Jany. 25, 1929.

Vs.No.6693

Court convened in special session
on this date

H. R. Redmond

Minute Book 9, page 629

Upon motion of counsel for defendant, motion
for new trial is ordered to be filed herein, which motion was
over ruled by the Court.

State of Louisiana

Friday, Jany. 25, 1929.

Vs.No.6693

Court convened in special session
on this date

H.R.Redmond

Minute Book 9, page 629

In this case, counsel for the defendant, now
gives notice to the Court and to the District Attorney that
application for certorari, prohibition and review by the
Supreme Court will be filed herein.

State of Louisiana

Friday, Jany. 25, 1929.

Vs.No.6694

Court convened in special session
on this date

H. R. Remond

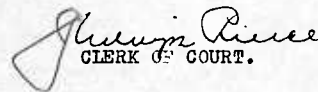
Minute Book 9, page 629

In this case, the same judgment, same motion for
new trial, same notice as to application for certorari,
prohibition and review as shown in case No. 6693 will apply in this
case.

STATE OF LOUISIANA,
PARISH OF WASHINGTON.

I hereby certify that the above and foregoing
minute entries are true and correct copy of the original entries.

This Feby. 7th, 1929.


CLERK OF COURT.

STATE OF LOUISIANA
PARISH OF WASHINGTON

BEFORE ME, the undersigned authority, personally came and appeared H. R. Redmond, who, after being duly sworn, says;

That he has read the petition herein for writ of Certiorari and that each and every allegation therein contained is true and correct; that a motion for new trial has been duly made, and the said motion was refused on the 25th. day of January, 1929; that affiant gave due notice, in open court, of his intention to make this application, and that all documents referred to in this application are annexed hereto and made part hereof.

H. R. Redmond

Sworn to and subscribed before me

this 8th. day of February, 1929.

Charles H. Carter
Notary Public.